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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,943	03/08/2000	ANDREW E FANO	60021-352501	1143
29838 7590 07/14/2008 OPPENHEIMER WOLFF & DONNELLY, LLP PLAZA VII, SUITE 3300 45 SOUTH SEVENTH STREET MINNEAPOLIS, MN 55402-1609				
EXAMINER SAINDON, WILLIAM V				
ART UNIT		PAPER NUMBER		
3623				
MAIL DATE		DELIVERY MODE		
07/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/520,943

Applicant(s)

FANO ET AL.

Examiner

William V. Saindon

Art Unit

3623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-39, 41-45, 47-97, 99-103, 105-107 and 123-125 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-39, 41-45, 47-97, 99-103, 105-107 and 123-125 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notes of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

1. The following NON FINAL Office Action is in response to Applicant's submission received April 28, 2008. Claims 21, 50, and 79 have been added. Claims 123-125 have been added. No claims have been canceled. Therefore, claims 21-39, 41-45, 47-68, 69-97, 99-103, 105-107, and 123-125 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on April 28, 2008 has been entered.

Response to Amendment

3. Applicant's amendments to the claims are noted and are addressed below.

4. The amendment filed April 28, 2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: see § 112 ¶ 1

rejection below. Applicant is required to cancel the new matter in the reply to this Office Action.

Response to Arguments

5. Applicant's arguments filed April 28, 2008 have been fully considered but they are not persuasive. Applicant argues:

- I. Jones et al. (US 6,021,397) does not disclose that the user preferences include an adjustable time indicia and an adjustable quality indicia for each goal.
- II. Jones does not disclose the newly added graphical presentation format in step (g), specifically that (a) Jones does not present an impact based on a user's adjustment to a goal preference, and (b) Jones does not alter the appearance of an image to reflect an inverse relationship between the preferences of the goals.

As to argument I, the Examiner respectfully disagrees. In its February 28, 2008 decision, the Board affirmed the Examiner on dependent claims 25 [adjustable time indicia], 26 [adjustable quality indicia], and 27 [adjustable time and quality indicia], thereby rendering the anticipation of these elements *res judicata*.

As to argument II, the Examiner respectfully disagrees. Jones discloses a system for "one or more financial goals." Col. 19, lines 16-23. The Jones system

operates on a computer, and computers display information using images formed on displays. Fig 2. As a result, Jones graphically presents all of the various adjustments that take place while a user operates the system. For example, when a user adjusts decision variables such as risk level, savings rate, and retirement age (col. 6, lines 52-54), the user sees the displayed images representing goals. As the values of the goals change, the image is altered in order for the image to convey the proper meaning to the user. Therefore, the Jones system alters the appearance of an image upon a user's adjustment to a goal preference.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 21-39, 41-45, 47-68, 69-78, 123, and 124 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claims 21-39, 41-45, 47-49, and 123, the steps recited do not qualify as a statutory process. In order for a method to be considered a "process" under §101, a claimed process must either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter.

The claims are not tied to another statutory class. The steps recited either do not require a particular apparatus (e.g. a particular computer), or only mention a nominal recitation of a computer (e.g. claims 31 or 32, using the internet to transmit data). Therefore, the claims are non-statutory.

As to claims 50-68, 69-78, and 124, the particular structure that implements the "means for" are not specifically enumerated as required by § 112 ¶ 6. Therefore, the "means" could be non-statutory means such as software or signals.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 21-39, 41-45, 47-68, 69-97, 99-103, 105-107, and 123-125 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

As to claims 21, 50, and 79, Applicant added in (g) that there is "an inverse relationship between the time indicia or the quality indicia of the adjusted goal and the time indicia or the quality indicia of one or more of the other goals." The specification

does not appear to provide any support for passage, nor has Applicant attempted to point where the claim is supported.

As to claims 123-125, Applicant has added "generating a profile of the user based on the adjusted user preferences and personal information of the user...." However, the specification does not appear to provide any support for passage, nor has Applicant attempted to point where the claim is supported.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 50-68, 69-97, 99-103, 105-107, 124, and 125 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, various "means for" and "modules for" are claimed without any specific enumeration in the specification of the particular structure or steps that accomplishes the stated means or modules, as required by § 112 ¶ 6. Therefore, the claims are unclear and Applicant is requested to either cancel the claims or provide citations as to where each element of the claims finds their corresponding § 112 ¶ 6 support.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 21-27, 50-56, 79-85, and 123-125 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones et al. (U.S. 6,021,397).

As per claim 21, Jones et al. teaches a method for enabling users to make decisions by modeling tradeoffs between a plurality personal goals comprising:

(a) receiving information from a user including information related to cash flow of a user (See column 5, lines 50-67, wherein personal information about the user is obtained included information about the user's cash flow);

(b) graphically presenting to the user a plurality of goals based on the information provided from the user, wherein the plurality of goals are related to the cash flow of the user (See column 2, lines 48-64, column 3, lines 40-67, column 4, lines 10-34, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the plurality of goals are presented to the user. These goals include savings goals, retirement goals, financial plans (buying a house, sending a child to school), etc.);

(c) allowing the user to select at least one goal from a plurality of goals (See column 2, lines 48-64, column 3, lines 40-67, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the user can select at least one goal and iteratively adjust preferences related to the goals);

(d) presenting to the user a plurality of the user preferences for each selected goal, the user preferences including for each selected goal an adjustable time indicia and an adjustable quality indicia, wherein the adjustable time indicia denotes a time when the user prefers to achieve the goal and the adjustable quality indicia denotes the quality of the goal preferred by the user (See column 4, lines 5-35, and column 6, lines 3-35 and 50-58, wherein the user is presented preferences including ones that indicate the time related to a goal of the user and indicate the quality related to a goal of the user);

(e) allowing the user to make an adjustment to user preferences related to one of the selected goals (See column 2, lines 48-64, column 3, lines 40-67, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the user can iteratively adjust preferences related to the goals, such as the savings rate, ages of retirement, quality of retirement, etc. The goal is the item and the preferences its settings);

(f) determining an impact of the adjustment on attaining the remaining goals (See column 2, lines 48-64, column 3, lines 40-67, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the system analyzes the effects of the changes on the other goals and preferences in the portfolio);

(g) graphically presenting to the user the impact of the adjustment on attaining the plurality of goals by again presenting simultaneously the plurality of goals as adjusted, wherein graphically presenting the impact of the adjustment comprises displaying a plurality of images, each representing a goal, and altering the appearance

of at least one of the images to reflect an inverse relationship between the time indicia or the quality indicia of the adjusted goal and the time indicia or the quality indicia of one or more of the other goals (See at least column 2, lines 48-64, column 3, lines 40-67, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the user can see the effects of the iterative changes; column 10, lines 54-67 and col. 11, lines 15-20, noting the portfolio optimization module takes into account multiple goals in real time).

As per claim 22, Jones et al. teaches a method wherein the goals are interrelated financial goals (See column 4, lines 10-34, and column 6, lines 13-40 and 50-58, wherein the goals include at least home, monthly allowances and savings, children's education, retirement, etc.).

As per claim 23, Jones et al. teaches a method wherein the goals include expenditures for at least one of a home, a vehicle, planned monthly allowance and savings, planned furniture expenses, planned appliance purchases, a vacations, children's education, and retirement home (See column 4, lines 10-34, and column 6, lines 13-40 and 50-58, wherein the goals include at least home, monthly allowances and savings, children's education, retirement, etc.).

As per claim 24, Jones et al. teaches wherein the step of allowing the user to make an adjustment further comprises:

(a) presenting to the user an adjustable priority indicia for adjusting preferences related to the selected goal, wherein the priority indicia adjusts the level of priority of achieving the selected goal as related to other goals (See column 4, lines 5-35, and

column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the priorities related to a goal of the user);

(b) allowing the user to make an adjustment to the priority indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these priority parameters can be adjusted by the user);

(c) adjusting the level of priority of achieving the selected goal responsive to the user's adjustment of the priority indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

As per claim 25, Jones et al. teaches wherein the step of allowing the user to make an adjustment further comprises:

(a) presenting to the user an adjustable time indicia for the selected goal (See column 4, lines 5-35, and column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the time related to a goal of the user);

(b) allowing the user to make an adjustment to the time indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these parameters can be adjusted by the user);

(c) adjusting the amount of time expected for achieving the selected goal responsive to the user's adjustment of the time indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

As per claim 26, Jones et al. discloses wherein the step of allowing the user to make an adjustment further comprises:

(a) presenting to the user an adjustable quality indicia for the selected goal (See column 4, lines 5-35, and column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the quality related to a goal of the user);

(b) allowing the user to make an adjustment to the quality indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these parameters can be adjusted by the user);

(c) adjusting the quality of the selected goal responsive to the user's adjustment of the quality indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

As per claim 27, Jones et al. wherein the step of allowing the user to make an adjustment further comprises:

(a) presenting to the user an adjustable indicia of favoritism between time and quality for the selected goal (See column 4, lines 5-35, and column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the relationship between time and quality related to a goal of the user);

(b) allowing the user to make an adjustment to the favoritism indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these parameters can be adjusted by the user);

(c) adjusting the favoritism between time and quality of the selected goal responsive to the user's adjustment of the favoritism indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

Claims 50-56 recite equivalent limitations to claims 21-27, respectively, and are therefore rejected using the same art and rationale applied above.

Claims 79-85 contain equivalent limitations to claims 21-27, respectively, and are therefore rejected using the same art and rationale applied above.

As to claims 123-125, Jones et al. discloses a profile of the user based on the adjusted user preferences and personal information of the user, wherein the personal information of the user includes information relating to one or more of the age of the user (See column 5, lines 52-67, noting a profile is generated for each person, the profile including age).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 28-39, 41-45, 47-49, 57-68, 70-78, 86-97, 99-103, and 105-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (U.S. 6,021,397).

As per claim 28, Jones et al. teaches a method further comprising:
creating a user profile for facilitating targeted presentation based on the user information, user goals and adjusted preferences (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user profile

is created for a user which stores the options and products available to the user, the user information, the goal of the user, and the stored preferences of the user in attaining the goal). However, Jones et al. does not expressly disclose targeted advertising based on the user profile.

Jones et al. discloses a tool that displays to a user options (mutual funds, 401(k) programs, etc.) available to user when planning for achievement of a goal and stores these available options in the profile of the user along with the goal and selections of the user. Using the profile of a user for marketing purposes in order increase the accuracy of presenting and tailoring ads to users to increase sales is old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to present tailored advertisements to the user with a stored profile of Jones et al. in order to increase the accuracy of displaying ads to users to which the options of the ad are available. Jones et al. discusses the importance of presenting a user with products attainable to the user in column 4, lines 7-15.

As per claim 29, Jones et al. teaches a method further comprising:

creating at least one offering targeted to the user profile for achieving the goal (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal).

As per claim 30, Jones et al. teaches a method further comprising:

transmitting the at least one targeted offering to the user (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal. Furthermore, the matched offering of a 401(k) program is in the offering presented the user).

As per claim 31, Jones et al. teaches wherein the transmission of the matched offering to the user is done using a computer network (See at least figure 1, column 4, lines 60-67, column 5, lines 20-50, column 6, lines 40-50, and column 7, lines 13-30 and 50-60, wherein the transmission is done using a computer network).

As per claim 32, Jones et al. teaches wherein the network is the Internet (See at least figure 1, column 4, lines 60-67, column 5, lines 20-50, and column 7, lines 13-30 and 50-60, wherein the network is the Internet).

As per claim 33, Jones et al. teaches a method further comprising:
using the user profile information as market intelligence (See at least figures 6 and 7, column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, column 7, lines 5-10, column 10, lines 54-67, and column 13, lines 44-50, column 16, lines 10-25, wherein a profile is maintained for the user and this profile is used with market knowledge (historical information, current information, etc.) to simulate the portfolio of the user).

As per claim 34, Jones et al. teaches wherein the targeted offering is a financial instrument (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65,

and column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different financial products, in order to achieve the goal. Furthermore, the matched offering of a 401(k) program is in the offering presented the user).

As per claim 35, Jones et al. teaches a method further comprising:

providing a user a suggested targeted offering and allowing a user to change a preference related to attaining one or more of the goals (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal. Furthermore, the matched offering of a 401(k) program is in the offering presented the user. See also at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, column 7, lines 5-10, and column 10, lines 54-67, wherein the user is allowed to change preferences in the portfolio related to attaining a goal). However, Jones et al. does not expressly disclose notifying at least one provider of the matched offering when the user changes these preferences.

Jones et al. teaches a tool wherein the user can edit the preferences and options stored in his/her portfolio, said portfolio representing a plan to achieve a goal or goals. These preferences and options are mutual funds, IRA's, 401(k) programs, etc. which

are available to the user and provided via an employer, for example. It is old and well known that employees enroll in the programs for these products, which are supplied by a provider, and that employees have the ability to un-enroll in products. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to notify a provider of the product of Jones et al. (such as a mutual fund) if a user is no longer utilizing said product in order to more efficiently communicate with providers so that they have accurate information about who is and who is not using their products.

As per claim 36, Jones et al. teaches a method wherein the offering includes at least one of a product and a service (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein an offering for the portfolio is presented to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal. Furthermore, the matched offering of a 401(k) program is in the offering presented the user).

As per claim 37, Jones et al. teaches a method wherein the goals include at least one of a home, a vehicle, planned monthly allowance and savings, planned future expenses, planned appliance purchases, a vacation, children's education, and retirement home (See column 4, lines 10-34, and column 6, lines 13-40 and 50-58, wherein the goals include at least home, monthly allowances and savings, children's education, retirement, etc.).

As per claim 38, Jones et al. teaches a method wherein the matched offering with different financial products is displayed to the user, the content displayed being derived from the proposed goals designated by the user (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal. Furthermore, the matched offering of a 401(k) program is in the offering presented the user). However, Jones et al. does not expressly disclose that this display is a banner advertisement.

Jones et al. discloses a tool that displays to a user options (mutual funds, 401(k) programs, etc.) available to user when planning for achievement of a goal and stores these available options in the profile of the user along with the goal and selections of the user. Using the profile of a user for marketing purposes in order increase the accuracy of presenting and tailoring ads to users to increase sales is old and well known in the art. Furthermore, banner ads are a well known ad type in the network marketing. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to present tailored advertisements using banner ads to the user of Jones et al. in order to increase the accuracy of displaying ads to users to which the options of the ad are available. Jones et al. discusses the importance of presenting a user with products attainable to the user in column 4, lines 7-15.

As per claim 39, Jones et al. teaches a method further comprising:

storing the targeted offering in a database (See at least figure 1 and column 5, lines 34-41, which discusses the database).

As per claim 41, Jones et al. teaches wherein each of the goals has a range of options, which can be further selected by the user, the method further comprising:

(a) displaying at least one provided option corresponding to a selected goal (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein at least one option provided the user by the user's company is displayed to the user with respect to a goal of a user (such as retirement savings));

(b) allowing the user to select a preferred option (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user);

(c) allowing the user to select at least one option provided by the company (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user, these options provided by his/her company)); and

(d) allowing the user to add the selected option to the range of options for the goal (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio of assorted other options used to attain the goal of the user. These options available and the chosen options are stored with the user's profile).

However, Jones et al. does not expressly disclose displaying at least one provider or allowing the user to select the provider of the provided option.

Jones et al. discloses a system that displays to a user available options (mutual funds, 401(k) programs, etc.) and allows the user to select the options he/she wants in an effort to obtain a goal of the user (for example, retirement income). The system stores these available options in the profile of the user. Jones et al. further discusses in column 6, lines 60-65, that a new mutual fund may be added to the user's list of options, thus showing the availability of different options within the same product. It is old and well known in the art that mutual funds, 401(k) programs, and health benefits are provided to employees of a company, the employees being presented with multiple providers and having the ability to choose between the different providers as to what options work best for them (for example, an employee may be offered health insurance from Blue Cross Blue Shield, Aetna, etc. and he/she chooses the provider) and it is also well known that multiple companies compete to provide products such as mutual funds, etc. (or in other words mutual funds are available through a provider). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include presenting the providers that provide the options of Jones et al. (such as for the different mutual funds discussed) in order to increase the accuracy of planning for the goals of the user by accurately presenting all the options available to the user.

As per claim 42, Jones et al. discloses a method wherein each option has a range of features, further comprising:

(a) displaying the range of options for a goal (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein at least one option

provided by the user's company is displayed with respect to a goal of a user (such as retirement savings));

(b) allowing the user to select one of the options based on the adjusted preference (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user);

(c) allowing the user to select at least one option provided by the company (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user, these options provided by his/her company)

(f) allowing the user to select at least one feature provided by the selected option (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the user is presented with features such as risk tolerance, savings rates, etc. for the options);

(g) allowing the user to add the selected feature to the range of features corresponding to the selected option (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select features of options and options to add to the portfolio of assorted other features and options used to attain the goal of the user. These features and options available and those chosen are stored with the user's profile).

However, Jones et al. does not expressly disclose providers of the provided options, displaying at least one provider of the provided options, or allowing the user to select a provider of the provided options.

Jones et al. discloses a system that displays to a user available options (mutual funds, 401(k) programs, etc.) and allows the user to select the options and features he/she wants in an effort to obtain a goal. The system stores these available options in the profile of the user. Jones et al. further discusses in column 6, lines 60-65, that a new mutual fund may be added to the user's list of options, thus showing the availability of different options within the same product. It is old and well known in the art that mutual funds, 401(k) programs, and health benefits are provided to employees of a company, the employees being presented with multiple providers and having the ability to choose between the different providers as to what options work best for them (for example, an employee may be offered health insurance from Blue Cross Blue Shield, Aetna, etc. and he/she chooses) and it is also well known that multiple companies compete to provide products such as mutual funds, etc. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include presenting the providers that provide the options of Jones et al. (such as for the different mutual funds discussed) and allowing the user to select a provider in order to increase the accuracy of planning for the goals of the user by accurately presenting all the options available to the user. See column 4, lines 5-15, which discusses the importance of presenting a user with his/her available options.

As per claim 43, Jones et al. teaches wherein a list containing a plurality of provided options is displayed and the selected provided option is selected from the list of provided options (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user, these options provided by his/her company). However, Jones et al. does not expressly disclose the provider for the provided options listed. Jones et al. discloses a system that displays to a user financial options (mutual funds, 401(k) programs, etc.) provided the user and allows the user to select the options he/she wants in an effort to obtain a goal of the user (for example, retirement income). Jones et al. further discusses in column 6, lines 60-65, that a new mutual fund may be added to the user's list of options, thus showing the availability of different mutual fund options. It is old and well known in the art that mutual funds, 401(k) programs, and health benefits are provided to employees of a company, the employees being presented with multiple providers and having the ability to choose between the different providers as to what options work best for them (for example, an employee may be offered health insurance from Blue Cross Blue Shield, Aetna, etc. and he/she chooses) and it is also well known that multiple companies compete to provide products such as mutual funds, etc. (or in other words mutual funds are available through a provider). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include presenting the providers that provide the options of Jones et al. (such as for the different mutual funds discussed) in order to increase the accuracy of

planning for the goals of the user by accurately presenting all the options available to the user.

As per claim 44, Jones et al. teaches wherein the at least one option includes a plurality of features, the method further comprising:

(a) presenting to the user the plurality of features (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the user is presented with features such as risk tolerance, savings rates, etc.);

(b) allowing the user to select at least one of the plurality of features for the selected option (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the user sets these features based on the selected options).

As per claim 45, Jones et al. teaches a method further comprising:
utilizing the network to display information relating to the provided option (See at least figure 1, column 4, lines 60-67, column 5, lines 20-50, column 6, lines 2-30 and 40-50, and column 7, lines 13-30 and 50-60, wherein the transmission and display of information is done using a computer network). However, Jones et al. does not expressly disclose displaying the provider of the option.

Jones et al. discloses a system that displays to a user financial options (mutual funds, 401(k) programs, etc.) provided the user by the company for which the user works and allows the user to select the options he/she wants. Jones et al. further discusses in column 6, lines 60-65, that a new mutual fund may be added to the user's list of options, thus showing the availability of different mutual fund options. It is old and

well known in the art that mutual funds, 401(k) programs, and health benefits are provided to employees, the employees being presented with multiple providers and having the ability to choose between the different providers as to what options work best for them (for example, an employee may be offered health insurance from Blue Cross Blue Shield, Aetna, etc. and he/she chooses) and it is also well known that multiple companies provide products such as mutual funds, etc. (or in other words mutual funds are available through a provider). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include presenting the providers that provide the options of Jones et al. (such as for the different mutual funds discussed) in order to increase the accuracy of planning for the goals of the user by accurately presenting all the options available to the user. See column 4, lines 5-15.

As per claim 47, Jones et al. teaches a method further comprising:

(a) presenting the user at least one option provided the user (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein at least one option provided the user by the user's company is displayed to the user with respect to a goal of a user (such as retirement savings));

(b) allowing the user to select a provided option, the selected option can be employed to attain the goal, and take the impact of said option into account on the goal (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user. These options are used when simulating the situation of the user).

However, Jones et al. does not expressly disclose that this provided option is insurance that can be employed to attain the goal.

Jones et al. discloses a tool that takes into account a user's cash flow when planning for a goal. It is well known that insurance is a required expense that is accounted for when accurately analyzing a person's cash flow. Jones et al. discusses goals like buying a house, such goals requiring the expense of insurance. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include insurance options and the cost of the selection of insurance in the cash flow picture of the user of Jones et al. in order to more accurately plan for a user's goals by encompassing all of the user's financial obligations.

As per claim 48, Jones et al. teaches a method further comprising:

displaying features of the selected option (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the user is presented with features such as risk tolerance, savings rates, etc.).

As per claim 49, Jones et al. teaches a method further comprising:

(a) presenting to the user an indicia of desirability for the selected option (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the program simulates the selected options to diagnose the portfolio versus the goal. The user is presented with an indication of the advantages of the selected options of the portfolio); and

(b) allowing the user to adjust the desirability for the selected option to reflect the user's desire for obtaining the selected option by the adjusting of the indicia of

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desirability (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the user is allowed to adjust the desirability to the user for the selected option).

Claims 57-68, and 70-78 recite equivalent limitations to claims 28-49, respectively, and are therefore rejected using the same art and rationale applied above.

Claims 86-97, 99-103, and 105-107 contain equivalent limitations to claims 28-49, and are therefore rejected using the same art and rationale applied above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William V. Saindon whose telephone number is (571)270-3026. The examiner can normally be reached on M-F 7:30-5; alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/wvs/

/Beth Van Doren/
Supervisory Patent Examiner, Art Unit 3623